

**UNITED STATES DEPARTMENT OF COMMERCE****Patent and Trademark Office**

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
097182,102	10/27/98	HAAF	T A-65680-2/RF

HM22/0217

EXAMINER

BRUSCA, J

ART UNIT	PAPER NUMBER
1631	11

DATE MAILED:

02/17/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

ART UNIT 1631
PRIMARY EXAMINER
JOHN S. BRUSCA*John S. Brusca*

THE PERIOD FOR RESPONSE: [check only a) or b)]

a) expires _____ months from the mailing date of the final rejection.

b) expires either three months from the mailing date of the final rejection, or on the mailing date of this Advisory Action, whichever is later. In no event, however, will the statutory period for the response expire later than six months from the date of the final rejection.

Any extension of time must be obtained by filing a petition under 37 CFR 1.136(a), the proposed response and also the appropriate fee. The date on which the response, the petition, and the fee have been filed is the date of the response or as set forth in b) above. Any extension of time must be obtained by filing a petition under 37 CFR 1.136(a), the proposed response and also the appropriate fee. The period for response set forth above, whichever is later. See 37 CFR 1.191(d) and 37 CFR 1.192(a).

Appellant's Brief is due two months from the date of the Notice of Appeal filed on 12/6/99 (or within any period for response set forth above, whichever is later). See 37 CFR 1.191(d) and 37 CFR 1.192(a).

Applicant's response to the final rejection, filed on 12/6/99 has been considered with the following effect, but is NOT deemed to place the application in condition for allowance:

The proposed amendment(s):

will be entered upon filing of a Notice of Appeal and an Appeal Brief.

will not be entered because:

they raise new issues that would require further consideration and/or search. (See note below).

they raise the issue of new matter. (See note below).

they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal.

they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: The added limitations to mammalian and human Rad 51 genes in claims 18 and 19 would require further search as the limitations have not been considered before. The proposed group of diseases for claim 21

raise additional enablement issues.

Applicant's response has overcome the following rejection(s):

Newly proposed or amended claims would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claims.

The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by all claims have been proposed to be amended and the amendment will not be entered.

The affidavit, exhibit or request for reconsideration has been considered but does NOT place the application in condition for allowance because:

For purposes of Appeal, the status of the claims is as follows (see attached written explanation, if any): the Examiner in the final rejection.

Claims allowed: none

Claims objected to: none

Claims rejected: 18, 19, and 21

The proposed drawing correction filed on _____ has not been approved by the Examiner.

Note the attached Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

Other

Advisory Action	
Examiner	John S. Brusca
Group Art Unit	1631
Application No.	09/182,102
Applicant(s)	
Haff et al.	
	